

REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. Support for amended claims 28 and 38 can be found in figures 2, 4, 6 and 7. These examples show that a surfactant concentration of about 3% is sufficient for effecting a very good property of the microemulsion. Thus a person of ordinary skill in the art would be able to extrapolate that also 1 mass % is possible.

Claims 28-33 and 36-37 have been rejected under 35 U.S.C. 102(b) as being anticipated by Allgaier et al. (US 6,284,847) ("US '847"). Claims 28-33 and 36-47 have been rejected under 35 U.S.C. 102(b) as being anticipated by Allgaier et al. (U.S. 6,677,293) ("US '293"). The applicant respectfully traverses these rejections.

Independent claims 28 and 38 are new in respect to US '847 and US '293, because in these publications it is not disclosed that an increasing of efficiency or surfactants is possible, if AB-Block copolymers of the type AB, ABA or BAB are added to surfactants.

Again, the amended claims are novel with respect to US '847 and US '293, because in this state of the art there is no disclosure, that a microemulsion only contents 1-15 mass% total surfactant concentration. The applicant has informed the undersigned that from the state of the art normally more than 20 mass % of surfactant are necessary for obtaining a microemulsion with a good quality. The new claims are non-obvious, because it is surprising that only 1 to 15 mass% total surfactant concentration is necessary to acquire a microemulsion, or in case of more efficient surfactants lamellar phases appear. These lamellar phases usually coexist together with microemulsion phases. They have a negative influence because of phase separation between the lamellar phase and the residual microemulsion and because of high viscosities. Figures 1-10 and 13-15 disclose that the total surfactant concentration can be about 1-15 %. A definition for γ is

given on page 6 of the description. Again, the applicant has informed the undersigned that from the state of the art normally more than 20 mass % of surfactant are necessary for obtaining a microemulsion with a good quality. The applicant's claimed invention is outside the range of the state of the prior art. For the above reasons these rejections should be withdrawn.

In view of the above remarks, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 03-2775, under Order No. 05899-00016-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

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